of the above amendments. Entry of this amendment and early examination of this application are respectfully solicited.

Respectfully submitted,

JEAN-MARC WILHELM, ET AL.

8/10/2000
(Date)

By: _____

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Claims 11 and 25 have been objected to because they depend upon themselves.

In the Preliminary Amendment filed with the original application, claim 25 was amended to depend upon claim 16. Claim 11 has been amended to depend upon claim 10. Accordingly, Applicants respectfully request that the objection to claims 11 and 25 should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 16, 31 and 34 have been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting a central structural cooperative relationship of elements. In particular, the Examiner notes that omitted structural cooperative relationships include how the light-emitting source Applicants recite in claim make up a light transfer intensifier night vision system, structural cooperative relationships are linked by phrases (such as characterized, comprises and consisting, all in one claim) and not clearly identifying the structural relationship between the light-emitting sources and a light intensifier night vision system.

Claims 1, 16, 31 and 34 have been amended in order to more clearly recite how the light-emitting source works with a light intensifier night vision system, to eliminate the use of inconsistent linking phrases such as characterized and consisting, to more clearly identify the structural relationship between the light-emitting source and a light intensifier night vision system, and to more particularly point out and distinctly claim the invention. Accordingly, the Applicants respectfully request that the rejection of claims 1, 16, 31 and 34 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claims 2, 17, 32, 39 and 42 have been rejected under 35 U.S.C. § 112, second paragraph for using a relative term ("and/or") which renders the claim indefinite.

Applicants have amended claims 2, 17, 32, 39 and 42 to eliminate the use of the term "and/or" and to more particularly point out and distinctly claim the invention. Applicants have added new claims 46-52 which are complements of claims 2, 17, 32, 39 and 42 using the term "or" instead of "and." Accordingly, Applicants respectfully request that the rejection of claims 2, 17, 32, 39 and 42 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claims 16, 34, 37, and 41 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for using the term "it."

Applicants have amended claims 16, 34, 37 and 41 to eliminate the use of the term "it" and to more particularly point out and distinctly claim the invention. Accordingly, Applicants respectfully request that the rejection of claims 16, 34, 37 and 41 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 16, 17, 18 and 31-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borkowski (U.S. Patent No. 6,247,825 B1). The Examiner points out specific details regarding claims 1-3, 16-18 and 31-45 with regards to what the Examiner posits that Borkowski discloses.

The present application, Application No. 09/636,565, filed on August 10, 2000 is a continuation of International Application No. PCT/FR99/00423, filed February 24, 1999. PCT International Application No. PCT/FR99/00423 and the present application claim foreign priority from French Application No. FR98 02310, filed on February 24, 1998. A certified copy of French Application No. 98 02310 was filed with the present application. Thus, the present application has an effective filing date of *at least* February 24, 1999 (see 35 U.S.C. §§ 120, 363 and 365(c) and 37 C.F.R. § 1.53(b)).

35 U.S.C. § 102 (e) recites, in pertinent part:

> (e) The invention was described in....
>
> (2) A patent granted on an application for patent by another filed in the United States before the invention by the Applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in § 351(a)....[*emphasis added*]

Borkowski was filed on October 30, 1999 and did not issue as a patent until June 19, 2001. Borkowski claimed domestic priority from a provisional application filed on July 23, 1999. Thus, Borkowski's earliest effective filing date, assuming that the Provisional application had an enabling specification that fully supports the parts of the Borkowski issued

patent that the Examiner relied upon, is July 23, 1999. Accordingly, the patent issued to Borkowski was not filed before the effective filing date of the present application (i.e., February 24, 1999), and therefore, was not possibly filed before the date of invention by the Applicants. Accordingly, Borkowski does not quality as prior art under 35 U.S.C. § 102(e), and therefore, Borkowski also does not qualify as prior art under 35 U.S.C. § 103(a).

Accordingly, the rejection of claims 1-3, 16-18 and 31-45 under 35 U.S.C. § 103(a) has been rendered moot, and therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) of claims 1-3, 16-18 and 31-45 be withdrawn.

Other References

The Applicants have reviewed the additional references cited by the Examiner, but not applied as a basis for rejecting any of the claims. The Applicants submit that the claims as amended, distinguish over the additional references for at least the reasons cited above.

CONCLUSION

In view of the foregoing Amendment and Remarks, it is respectfully submitted that the present application, including claims 1-54, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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7/9/02
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Marked-Up Version of the Claims

1. (Amended) [Joint] A combination use of lighting means and of a light intensifier night vision system, the lighting means [comprising] being chosen so as not to disturb the light intensifier night vision imaging system, wherein the lighting means comprise at least one light-emitting source [(21, 33)] of a polychromatic white light [(15)] with high radiant energy [(15-1)] in the violet/blue wavelengths band [,] and with low residual energy in the red wavelengths band [, and of a light intensifier night vision system (1)].

2. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands [,] with low residual energy in the red wavelengths band.

3. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source has an emission spectrum [(15)] comprising a dominant [(15-1)] in the violet/blue wavelengths band and a dominant [(15-2)] in the green/yellow wavelengths band.

4. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source [(15)] has a bichromatic-dominant [(15-1, 15-2)] emission spectrum [(15)] with a violet/blue chrominance peak and a very wide range of chrominance from the green to the orange.

5. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source has an emission spectrum [(15)] with a main peak wavelength [(15-1)] of less than 492 nanometers, the main peak being a narrow, high-intensity peak, and a secondary peak wavelength [(15-2)] ranging from 492 to 622 nanometers, the secondary peak being a wide, medium-intensity peak, with very low residual intensity at wavelengths of over 622 nanometers.

6. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source gives direct lighting.

Marked-Up Version of the Claims

7. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source gives ambient lighting or indirect lighting.

8. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the white light-emitting source [gives lighting without filtering] is not filtered in the red wavelengths band.

9. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the light-emitting source of white light gives lighting guided in a translucent board of the instruments panel.

10. (Amended) [Use] The combination according to claim 1, [characterized in that] wherein the light source is a white light-emitting diode [(21, 33)].

11. (Amended) [Use] The combination according to claim [11] 10, to form a colored indicator, especially a green, yellow or red indicator, [characterized in that] wherein the light-emitting diode is covered with a colored hood that is not filtered in the red wavelengths band.

12. (Amended) [Use] The combination according to claim 10, especially to form position indicators, landing lights, anti-collision lights or flight training lights in an aircraft, [characterized in that] wherein the polychromatic white light source comprises a plurality of white light-emitting diodes [(33)] arranged on a printed circuit [(34)].

13. (Amended) [Use] The combination according to claim 10, [characterized in that] wherein the white light-emitting diode [(21, 33)] or the printed circuit [(34)] is fixedly joined to a screw-in or bayonet type socket [(32)].

14. (Amended) [Use] The combination according to claim 1, especially to illuminate a cockpit or an instruments panel, [characterized in that] wherein the light source comprises a ramp of white light-emitting diodes.

Marked-Up Version of the Claims

15. (Amended) [Use] The combination according to claim 1, especially to illuminate a cockpit or an instruments panel, [characterized in that] wherein the light source comprises a white light-emitting panel.

16. (Amended) Method to illuminate an aircraft instrument panel or an element capable of coming into a pilot's field of vision, without disturbing a light intensifier night vision imaging system [(1)], [characterized in that it comprises a step consisting in the use] comprising the step of using as illumination means at least one light-emitting source [(21, 33)] of a polychromatic white light [(15)] with high radiant energy [(15-1)] in the violet/blue wavelengths band [,] and with low residual energy in the red wavelengths band.

17. (Amended) Method according to claim 16, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands with low residual energy in the red wavelengths band.

18. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source has an emission spectrum [(15)] comprising a dominant [(15-1)] in the violet/blue wavelengths band and a dominant [(15-2)] in the green/yellow wavelengths band.

19. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source has a bichromatic-dominant [(15-1, 15-2)] emission spectrum [(15)] with a violet/blue chrominance peak and a very wide range of chrominance from the green to the orange.

20. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source has an emission spectrum [(15)] with a main peak wavelength [(15-1)] of less than 492 nanometers, the main peak being a narrow, high-intensity peak, and a secondary peak wavelength [(15-2)] ranging from 492 to 622 nanometers, the secondary peak being a wide, medium-intensity peak, with very low residual intensity at wavelengths of over 622 nanometers.

Marked-Up Version of the Claims

21. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source gives direct lighting.

22. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source gives ambient lighting or indirect lighting.

23. (Amended) Method according to claim 16, [characterized in that] wherein the white light-emitting source [gives lighting without filtering] is not filtered in the red wavelengths band.

24. (Amended) Method according to claim 16, [characterized in that] wherein the light-emitting source of white light gives lighting guided in a translucent board of the instruments panel.

25. (Amended) Method according to claim 16, [characterized in that] wherein the light source is a white light-emitting diode [(21, 33)].

26. (Amended) Method according to claim 25, to form a colored indicator, especially a green, yellow or red indicator, [characterized in that] wherein the light-emitting diode is covered with a colored hood that is not filtered in the red wavelengths band.

27. (Amended) Method according to claim 25, especially to form position indicators, landing lights, anti-collision lights or flight training lights in an aircraft, [characterized in that] wherein the polychromatic white light source comprises a plurality of white light-emitting diodes [(33)] arranged on a printed circuit [(34)].

28. (Amended) Method according to claim 25, [characterized in that] wherein the white light-emitting diode [(21, 33)] or the printed circuit [(34)] is fixedly joined to a screw-in or bayonet type socket [(32)].

29. (Amended) Method according to claim 16, especially to illuminate a cockpit or an instruments panel, [characterized in that] wherein the light source comprises a ramp of white light-emitting diodes.

Marked-Up Version of the Claims

30. (Amended) Method according to claim 16, especially to illuminate a cockpit or an instruments panel, [characterized in that] wherein the light source comprises a white light-emitting panel.

31. (Amended) Method for retrofitting an aircraft lighting system comprising incandescent lamps [(20) to] so as the aircraft lighting system is compatible with a light intensifier night vision system [characterized in that], comprising the [operation consists in] step of replacing at least a part of the incandescent lamps by light-emitting diodes [(21, 33)] emitting a polychromatic white light [(15)] with high radiant energy in the violet/blue wavelengths band and low residual energy in the red wavelengths band.

32. (Amended) Method according to claim 31, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands with low residual energy in the red wavelengths band.

33. (Amended) Method according to claim 31, [characterized in that there is no filtering done, in the red wavelengths band, of] wherein the light emitted by the white light-emitting diodes is not filtered in the red wavelengths band.

34. (Amended) Method [to] for [retrofit] retrofitting a system of position lights, landing lights, anti-collision lights or flight training lights comprising incandescent lamps [to], so as said system is compatible with a light intensifier night vision [imaging] system, [characterized in that it comprises] comprising the [operation consisting in] step of replacing each incandescent lamp by a plurality of light-emitting diodes [(33)] emitting a polychromatic white light [(15)] with high radiant energy in the violet/blue wavelengths band and low residual energy in the red wavelengths band.

35. (Amended) Method according to claim 34, [characterized in that] wherein the polychromatic light [(15)] furthermore has high radiant energy in the green/yellow wavelengths band and [/or] the orange wavelengths band with low residual energy in the red wavelengths band.

Marked-Up Version of the Claims

36. (Amended) Method according to claim 34, [characterized in that] wherein the light emitted by the white light-emitting diodes is not filtered in the red wavelengths band.

37. (Amended) Lighting means [(30)] for aircraft lights, compatible with a light intensifier night vision imaging system [(1)], especially for position lights, landing lights, anti-collision lights or flight training lights [characterized in that it comprises], comprising a plurality of white light-emitting diodes [(33)] arranged on a printed circuit [(34)], emitting a polychromatic white light [(15)] with high radiant energy [(15-1)] in the violet/blue wavelengths band and low residual energy in the red wavelengths band.

38. (Amended) Lighting means according to claim 37, [characterized in that] wherein the white light-emitting diode [(21, 33)] or the printed circuit [(34)] is fixedly joined to a screw-in or bayonet type socket [(32)].

39. (Amended) Lighting means according to claim 37, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands with low residual energy in the red wavelengths band.

40. (Amended) Lighting means according to claim 37, [characterized in that] wherein the polychromatic white light [(15)] has an emission spectrum [(15)] comprising a dominant [(15-1)] in the violet/blue wavelengths band and a dominant [(15-2)] in the green/yellow wavelengths band.

41. (Amended) Lighting means [(30)] for aircraft cockpit or instruments panel, compatible with a light intensifier night vision imaging system [(1)], [characterized in that it comprises] comprising a ramp of white light-emitting diodes emitting a polychromatic white light [(15)] with high radiant energy [(15-1)] in the violet/blue wavelengths band and low residual energy in the red wavelengths band.

Marked-Up Version of the Claims

42. (Amended) Lighting means according to claim 41, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands with low residual energy in the red wavelengths band.

43. (Amended) Lighting means according to claim 41, [characterized in that] wherein the polychromatic white light [(15)] has an emission spectrum [(15)] comprising a dominant [(15-1)] in the violet/blue wavelengths band and a dominant [(15-2)] in the green/yellow wavelengths band.

44. (Amended) Lighting system comprising means of lighting in the visible range, means of lighting in the infrared range and switching means to make a choice between a lighting position in the visible range and a lighting position in the infrared range, [characterized in that] wherein the means of lighting in the visible range include at least one light-emitting diode emitting a polychromatic white light with high radiant energy in the violet/blue wavelengths band and low residual energy in the red wavelengths band.

45. (Amended) Lighting system according to claim 44, [characterized in that] wherein the polychromatic white light [(15)] furthermore has high radiant energy in the green/yellow and [/or] orange wavelengths bands with low residual energy in the red wavelengths band.